

MINUTES OF THE LOCAL ISSUES TASK FORCE

Monday, July 23, 2007 – 9:00 a.m. – Room W110 House Building

Members Present:

Sen. Carlene M. Walker, Co-chair
Rep. Aaron Tilton, Co-chair
Sen. Scott D. McCoy
Sen. Howard A. Stephenson
Rep. John Dougall
Rep. Janice M. Fisher
Rep. Julie Fisher
Rep. Gregory H. Hughes
Rep. Todd E. Kiser
Rep. Karen W. Morgan

Staff Present:

Joseph Wade, Policy Analyst
Phillip V. Dean, Policy Analyst
Robert H. Rees, Associate General Counsel
Angela D. Oakes, Associate General Counsel
Wendy Bangerter, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Walker called the meeting to order at 9:05 a.m.

MOTION: Rep. Kiser moved to approve the minutes of the June 19, 2007 meeting. The motion passed unanimously. Rep. Hughes, Rep. Morgan, and Rep. Tilton were absent for the vote.

2. Forms of Municipal Government

A. Review of Guiding Principles Adopted by the Task Force

Chair Walker reviewed the guiding principles that were adopted by the task force in the May 23rd meeting. She specifically addressed the need to achieve the principle of clarity.

B. Proposal from the Task Force Chairs

Mr. Rees introduced and explained a proposal, "Outline of an Option for Clarifying Statutory Provisions Relating to the Forms of Municipal Government." The chart identified different forms of government.

Chair Walker stated that the goal of today's discussion is to give Mr. Rees specific draft information so that draft legislation can be discussed at the next meeting.

Chair Tilton arrived and assumed chairing the meeting.

The task force members discussed options to include in draft legislation.

Mr. Lincoln Shurtz, Utah League of Cities and Towns, spoke in favor of having a default form of government under incorporation. He noted points that could be eliminated from statute if the proposal is adopted.

Mr. Fred Panucci, Mayor of Syracuse, referred to Section 10-3-809 in the Utah Code that defines and

itemizes mayoral duties. He spoke against the proposal because it changes those duties. The people expect the mayor to function as the executive. He suggested that if the proposal were to be adopted, the mayor should be made the chairman of the city council and the mayor position could be eliminated.

Task Force discussion followed.

Mr. Danny Hammond, Syracuse City Council, presented an additional option, which would be to establish a seven-member city council.

Ms. Michelle Stallings, resident of Lehi, spoke against the proposal, saying that it does not retain the citizen right to hold an elected official responsible or have representation from an elected official.

Mr. Craig Laurence, citizen of Lehi, agreed there needs to be clarification of powers and duties. He made suggestions, specifically regarding the charter form of government.

Mr. DeLynn Summers, resident of Bluffdale City, reported on the results of the referendum vote of the citizens regarding the form of government. He noted that a measure of peace was noticeable following the election. He spoke in favor of clarifying titles and duties.

Ms. Claudia Anderson, Mayor of Bluffdale, spoke to the need for duty clarification. Now that the people have voted, she has no duties because the city manager now has total responsibility. Her concern is what the people want and what they expect from their mayor.

Mr. Lurlen Knight, Syracuse City Council, addressed language of the bill and the need for advice and consent in hiring and firing employees.

Mr. Rees summarized three forms of government: (1) very strong mayor; (2) moderate strong mayor; and (3) commission. He addressed several options for cities to transition to one of those forms.

Sen. Walker stated that before the next meeting, research will be done to see if the city governments will fit cleanly into one of these forms.

Mr. Larry Shingleton, Syracuse resident, expressed concern for the transition.

C. Appointment and Removal of Certain Officials

Rep. Christopher N. Herrod, study sponsor, gave some background on how 2007 General Session H.B. 457, "Municipal Amendments," came about. The question to consider is whether to require the advice and consent of the municipal council or legislative body with respect to the removal of department heads, officers and employees, commissions, boards, committees, and planning commission members.

Mr. Shurtz clarified points and made recommendations that there should be advice and consent.

Sen. Walker recommended a close working relationship with Rep. Herrod and his team.

3. Break for Lunch

MOTION: Rep. Dougall moved to recess for lunch. The motion passed unanimously.

Chair Tilton called the second portion of the meeting to order at 1:10 p.m.

4. School Building Finance

- A. Current Capital Outlay Foundation Program,**
- B. Current Enrollment Growth Program**
- C. Discussion of Policy Questions**

Mr. Joseph Wade, Policy Analyst, distributed and reviewed "Capital Outlay Foundation Program" and "Enrollment Growth." He explained the current Capital Outlay Foundation Program and the current "Enrollment Growth Program" and how much they receive in funding each year and what their purpose is. He also distributed and reviewed "Capital Outlay Foundation and Enrollment Growth Program." He distributed "Capital Outlay Option Scenarios - COMPARISON." That chart compared the Enrollment Growth Program, the Foundation Guarantee, the Capital Foundation and Enrollment Growth, and Sen. Stephenson's equalization proposal.

Task force questions and discussion followed.

D. Countywide Equalization Proposal

Mr. Brian Allen, Attorney, Cottonwood Heights City, explained his countywide equalization proposal that included property tax yield per year. He stated that there is likely going to be a property tax increase, but feels that the people would like to have the voice in where and how much.

E. Local Replacement Equalization Proposal

Rep. John Dougall distributed and explained his local revenue per WPU county-wide proposal.

F. Statewide Equalization Proposal

Mr. Phil Dean reviewed an updated version of the previously viewed draft legislation, "School Facility Funding Equalization." He noted some areas of the bill that would need editing. He also reviewed "Equalization Option - Statewide."

Sen. Stephenson explained his statewide equalization proposal. He called his plan an amendment to growth. He stated it is tied to property taxes, as opposed to income taxes.

The task force members discussed the issue and some had concerns with the proposal that includes a tax increase.

Chair Walker explained that some entities have decided to vote on school district divisions and will have difficulties implementing those divisions without an equalization plan laid out as soon as possible.

Mr. Jay Blaine, Granite Education Association, expressed concern that the discussion only addresses capital needs, not operations and maintenance, which will increase after a district division.

Ms. Angela Davis, Riverton City resident, stated that a tax increase will be a problem. She asked why impact fees from citizens are not being utilized. It was explained to her that a developer passes along the impact fee costs to the home buyer so they are being utilized.

Mr. Ray Timothy, Superintendent, Park City School District, expressed concern for the long-term viability of shifting property tax to income tax.

Ms. Lisa Kirchenheiter, Park City School District Board of Education, asked that the Legislature consider the impact to student achievement in their deliberations.

Mr. Steve Peterson, Utah School Boards Association, read some statements and questions from the association. They spoke in favor of Sen. Stephenson's proposal. Staff addressed questions from the association.

Task Force discussion followed.

Ms. Patty Murphy, Park City School District, asked questions regarding the basic school levy.

Ms. Angela Davis, resident of Riverton City, stated there is a group that will file a law suit if the bill is endorsed and put before the legislative body because the bill affects other issues and violates the 14th amendment. Mr. Rees responded that the Office of the Attorney General has stated there is not a substantial argument against equal protection and has stated the bill would be constitutional.

Ms. Robin Frodge, President, Jordan Education Association, expressed concern for the increased challenges and problems if the funding is not adequate to maintain current programs when the Jordan School District completes its division.

MOTION: Sen. Stephenson moved to request that the chairs and the bill sponsor meet with legislative leadership regarding this proposal and to request leadership's support for special session. The motion passed unanimously. Rep. Janice Fisher and Rep. Hughes were absent for the vote.

5. Other Items / Adjourn

Sen. Walker proposed that a short meeting be planned for Wednesday, August 1, 2007 at 2:00 p.m. to discuss the proposed legislation.

MOTION: Rep. Julie Fisher moved to adjourn the meeting. The motion passed unanimously. Rep. Janice Fisher and Rep. Hughes were absent for the vote.